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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/577,190

05/23/2000

LH 004

3789

35070

7590

08/11/2006

ANATOLY S. WEISER
12526 HIGH BLUFF DRIVE
SUITE 300
SAN DIEGO, CA 92130

EXAMINER

THERIAULT, STEVEN B

ART UNIT

PAPER NUMBER

2179

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/577,190	CATHERINE LIN-HENDEL	
	Examiner	Art Unit	
	Steven B. Theriault	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is responsive to the following communications: Amendment filed 05/23/2006.

This action is made final.

2. Claims 1-26 are pending in the case. Claims 1, 2, 22, 23, 24, and 26 are the independent claims. Claims 27-28 are cancelled. Claims 1-3, 22-24, and 26 are the amended claims.

Drawings/Abstract

3. Previous objections raised by the examiner are no longer applicable and are thus removed. The examiner accepts the drawings and abstract.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-26 are rejected under 35 USC 102(e) as being anticipated by Finseth et al. (hereinafter Finseth) U.S. Patent No. 6,271,840 issued Aug. 7, 2001 and Filed Sept. 24, 1998.

With regard to **Independent claim 1**, Finseth teaches a system for navigating and browsing electronic media, comprising;

- A device enabling viewing of digitally stored information, the device being configured to display at least portions of a categorization structure having a plurality of nested cascading category levels (Finseth Figures 5 and 8 and column 4, lines 25-67) Finseth

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shows a plurality nested category levels of information as a result of a search request generated by the user. Finseth shows the information in a nested manner.

- *Each category level of the plurality of nested cascading category levels comprising a plurality of category titles of electronic media content stored on a storage device (Finseth column 5, lines 1-20 and column 6, lines 1-20) Finseth shows the information stored on a device and can comprise a variety of media content types. Finseth teaches that the user can browse the search result link and subsequent images linked to the first result.*
- *Each category title having a selectable link-token to the stored content for said title, (Finseth column 5, lines 1-20) Finseth teaches a selectable token that a user selects and the information is retrieved related to the token*
- *Each category title also being coupled to the category title's hidden nested subcategory structure comprising link tokens of category titles comprised in said each category title and the category titles in the different plurality of category levels able to be browsed independently of having to select and retrieve the stored content for any title from the storage device (Finseth Figures 5-8 and column 8, lines 45-67 and column 9, lines 5-20 and column 10, lines 1-15) Finseth teaches that a search result is presented to the user and the user can place the cursor over the result and in either a popup or frame or representation next to the result and image map appears showing the content linked to the first result. The subsequent information is presented to the user with or without clicking on the content and the subsequent information can comprise links to further information that would also comprise image information for subsequent links. The hidden structures are not displayed until the user moves the cursor over the link and the titles contain link tokens to the information (See column 5, lines 10-20).*

With respect to **dependent claim 2**, Finseth teaches a system for tracking the navigation and browsing of electronic media, and facilitating the changing of navigation and browsing path at will with

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one single click to retrieve any desired new destination information content within inter-linked content structure that comprises at least three category levels (Finseth column 6, lines 1-25 and column 7, lines 1-67 and column 8, lines 45-67). Finseth teaches that the user can select a category level in one image and then see a linked image comprising the links to the subject matter and within the linked image the user can see and select subsequent links and so forth. The user can then select or retrieve information within the inter-linked content structure.

With respect to **dependent claim 3**, Finseth teaches the *system wherein link tokens of one or more category titles in a first category level of the plurality of nested cascading category levels is displayed for viewing on a display device in response to placing a cursor on a starting symbol representing a gateway to viewing the categorization structure displayed on the display device, without clicking* (Finseth Figures 5-8 and column 8, lines 45-67 and column 9, lines 5-20 and column 10, lines 1-15) Finseth teaches that a search result is presented to the user and the user can place the cursor over the result and in either a popup or frame or representation next to the result and image map appears showing the content linked to the first result. The subsequent information is presented to the user with or without clicking on the content and the subsequent information can comprise links to further information that would also comprise image information for subsequent links. The hidden structures are not displayed until the user moves the cursor over the link and the titles contain link tokens to the information (See column 5, lines 10-20).

With respect to **dependent claim 4**, Finseth teaches the *system, wherein the plurality of category titles are displayed on the display device underneath the starting text-string or a symbol representing the gateway to viewing the categorization structure (Finseth figure 5 and 8).*

With respect to **dependent claim 5**, Finseth teaches the *system wherein placing the cursor on one of the category titles in the first category level causes said title to be highlighted and causes a second category level having a second plurality of titles to be displayed alongside the first category level, the*

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plurality of titles in the second category level being sub-categories of the category title highlighted in the first category level (Finseth column 6, lines 1-67 and column 8, lines 20-67). Finseth teaches the information is displayed in a visual index according to user preferences including color and size, which would include highlighting the link as the user places a cursor over the link to activate it.

With respect to **dependent claim 6**, Finseth teaches the system wherein the titles in the first category level are displayed in a first listing-area with the titles listed one under the other (Finseth figures 5-8).

With respect to **dependent claim 7**, Finseth teaches the system wherein the titles in the second category level are displayed in a second listing-area with the titles listed one under the other (Finseth figures 5-8).

With respect to **dependent claim 8**, Finseth teaches the system, wherein placing the cursor on one of the category titles displayed in the second category level causes said title to be highlighted and causes a third category level having a third plurality of category titles to be displayed alongside the second category level, the plurality of titles in the third category level being sub-categories of the highlighted title displayed in the second category level (Finseth figures 5-8 and column 6, lines 1-67 and column 8, lines 20-67).

With respect to **dependent claim 9**, Finseth teaches the system wherein the system has a selectable number of category level (Finseth column 7, lines 1-67).

With respect to **dependent claim 10**, Finseth teaches the system, wherein the system has a selectable number of category titles in each category level (Finseth column 8, lines 1-67).

With respect to **dependent claim 11**, Finseth teaches the system, wherein the system is implemented using software (Finseth column 4, lines 1-67).

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With respect to **dependent claims 12 and 13**, Finseth teaches the system wherein when the cursor is moved from a category level having a plurality of category titles which are sub-categories of a title in a higher category level, the category level with the plurality of sub-category titles and all subsequent category levels cease to be displayed on the display device (Finseth column 8, lines 50-67 and column 9, lines 1-20 and column 10, lines 1-20).

With respect to **dependent claim 14**, Finseth teaches the *system wherein a browser can browse the categorization structure independently of any media content displayed on the display device*. (Finseth column 5, lines 1-25)

With respect to **dependent claim 15**, Finseth teaches the *system wherein a browser can navigate and browse the different category titles in the different category levels of the categorization structure without having to select and retrieve a page of media content from the storage device and without having to navigate back and forth between different pages of media content* (Finseth column 8, lines 40-67 and column 9, lines 1-20 and column 10, lines 1-20).

With respect to **dependent claim 16**, Finseth teaches the *system wherein the categorization structure resides with the pages of media content but is not displayed on the display device with the media content until a browser places the cursor on the starting symbol* (Finseth column 10, lines 1-20 and Figures 5-8).

With respect to **dependent claim 17**, Finseth teaches the *system wherein the media content are the pages of a web site* (Finseth column 5, lines 1-20).

With respect to **dependent claim 18**, Finseth teaches the *system wherein a browser can navigate and browse the different category titles in the different category levels of the categorization structure without having to down load a web page from the storage device and without having to navigate back*

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and forth between different web pages (Finseth column 8, lines 40-67 and column 9, lines 1-20 and column 10, lines 1-20).

With respect to **dependent claim 19**, Finseth teaches the *system wherein the categorization structure resides with the web pages but is not displayed on the display device with the web pages until a browser places the cursor on the starting symbol (Finseth column 8, lines 40-67 and column 9, lines 1-20 and column 10, lines 1-20).*

With respect to **dependent claim 20**, Finseth teaches the *system wherein a browser can navigate back and forth between a category title in a first category level and a category title in a second category level of the categorization tree structure (Finseth column 8, lines 40-67 and column 9, lines 1-20 and column 10, lines 1-20).*

With respect to **dependent claim 21**, Finseth teaches the *system wherein a browser can move from a first or any category title in a particular level to any other title in the same level of the categorization tree structure (Finseth column 8, lines 40-67 and column 9, lines 1-20 and column 10, lines 1-20).*

In regard to **Independent claim 22**, Finseth teaches a *system for navigating and browsing electronic media, comprising:*

- *A device for viewing of digitally stored information, the device being configured to display at least portions of a categorization tree structure having a plurality of cascading category lists, each list displaying of the plurality of cascading category lists comprising a plurality of category titles to electronic media content stored on at least one storage device (Finseth Figures 5 and 8 and column 4, lines 25-67) Finseth shows a plurality nested category levels of information as a result of a search request generated by the user. Finseth shows the information in a nested manner and on a storage device.*
- *Each category title having a selectable link-token to the stored content file for said each category title, wherein the device is configured to display one or more link-tokens comprised in the stored content file for said each category title in response to placement of a cursor on the selectable link token of said each category title without clicking on or invocation of the selectable link token of said each category title, whereby the system*

enables and the category titles in the different plurality of category lists able to be browsed independently of selecting and retrieving stored content files for any title from the at least one storage device (Finseth column 8, lines 40-67 and column 9, lines 1-20 and column 10, lines 1-20). Finseth teaches the user can move a cursor of media content on the display where the content comprises nested structures and the movement of the cursor will cause an image to appear showing the content of the hyperlink to the user without the user clicking on the image. Further, the image will also contain link tokens for the user to select to see the subcategory items and where the link tokens are independent titles and the information can be stored in cache or on a disk in the device.

In regard to **Independent claim 23**, Finseth teaches a *method for navigating and browsing electronic media, comprising the steps of:*

- Placing the cursor of the system of claim 22 on a first selectable link-token to the second content file for a first category title of said plurality of category titles; (Finseth column 8, lines 45-67)
- Viewing one or more link-tokens comprised in the stored content file for the first category title displayed in response to the step of placing. (Finseth column 8, lines 45-67) Finseth teaches that the user can place a cursor on a media item show in the display and the system will present to the user a popup showing the subsequent webpage that the user would be directed to if they had clicked the link. Within the shown pop-up, the user can select other links with the cursor and see the subsequent links to further pages, **without clicking**.

In regard to **Independent claim 24**, Finseth teaches a *system for tracking the navigation and browsing of electronic media, the system enabling a browser to retrieve any one of a plurality of content pages linked to any one of the plurality of category titles in a categorization structure comprising at least three category levels with a single click of a computer mouse* (Finseth column 8, lines 40-67 and column 9, lines 1-20 and column 10, lines 1-20).

With respect to **dependent claim 25**, Wical teaches the system wherein the system is embedded with a hidden dynamic nested-cascading categorization structure that allows the browser to browse and view the entire categorization structure independent of the content of any content Page (Wical figures 2a-2f) Wical shows the user can browse the titles of content independently of any content on the page and also view the entire structure.

In regard to **Independent claim 26**, Wical teaches the *tracking system for tracking the navigation and browsing of electronic media, comprising:*

- *A device for viewing of digitally stored information, the device being configured to display a text tracking string comprised of a plurality of category titles displaying a particular sequence of a category browsing path of a page displayed on a display device, a drop-down menu appears displaying a plurality of category titles for that category in response to a cursor being placed on any one of the category titles in the browsing path indicated by the tracking string, and content for a category title of the plurality of category titles is retrieved in response to clicking on the category title*(Finseth Figures 5-8 and column 8, lines 45-67 and column 9, lines 5-20 and column 10, lines 1-15) Finseth teaches a device that shows a search result that is presented to the user and where the user can place the cursor over the result and in either a popup or frame or representation next to the result and image map appears showing the content linked to the first result. The subsequent information is presented to the user with or without clicking on the content and the subsequent information can comprise links to further information that would also

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comprise image information for subsequent links. The hidden structures are not displayed until the user moves the cursor over the link and the titles contain link tokens to the information (See column 5, lines 10-20).

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re *Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M-F 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SBT


WEILUN LO
SUPERVISORY PATENT EXAMINER